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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91199926
Party	Defendant Toy-Toon Creations, Inc.
Correspondence Address	DAVID L OPPENHUIZEN THE WEINTRAUB GROUP PLC 28580 ORCHARD LAKE RD STE 140 FARMINGTON HILLS, MI 48334-2988 UNITED STATES
Submission	Answer
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Date	07/05/2011
Attachments	7-5-11 Rev'd Answer and Affirmative Defenses Combined.pdf (4 pages)(25409 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Application Serial No. 85/186331

Filed: November 29, 2010

For the Mark: PIRASAURS

Published in the Official Gazette on April 12, 2011

REEL FX, INC.,

Opposition No. 91199926

Opposer,

v.

TOY TOON CREATIONS,
INC.,

Applicant.

ANSWER TO OPPOSITION

NOW COMES the Applicant in response to the Notice of Opposition filed by Registrant in the above-captioned mark and in response thereto asserts as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied, the registration is for a stylized version for the mark Webosaurs, not the word, alone.
6. Denied as untrue, according to the records of the USPTO, the application is abandoned.

7. Neither admitted nor denied, according to the records of the USPTO, the necessary June, 2011 Request for Extension of time or Affidavit of Use has not been filed.

8. Neither admitted nor denied, according to the records of the USPTO, the necessary June, 2011 Request for Extension of time or Affidavit of Use has not been filed.

9. Admitted.

10. Neither admitted nor denied, Applicant being without sufficient information to form a belief as to the truth of the matters asserted therein and, therefore, leaves Registrant to its proofs.

11. Neither admitted nor denied, Applicant being without sufficient information to form a belief as to the truth of the matters asserted therein and, therefore, leaves Registrant to its proofs.

12. Denied as untrue.

13. Denied as untrue.

WHEREFORE Applicant respectfully requests that the Opposition be dismissed as being without merit and that Applicant's mark be passed to allowance.

AFFIRMATIVE DEFENSES

1. Opposer's marks are inherently weak and descriptive.

2. The goods of Applicant and those of Opposer move in distinct channels of commerce and, therefore, there is no likelihood of confusion therebetween.

3. The component of Applicant's mark "saurs" is so inherently weak as to be incapable of exclusive appropriation as witnessed by the records of the U.S. Patent and Trademark Office showing over four hundred abandoned and live marks which contain the "saurs" component including marks for toys.

4. Opposer comes before the Board with unclean hands.

5. The "saurs" component of Opposer's marks is generic for a prehistoric reptilian or avian animal.

Applicant specifically reserves the right to amend its pleadings to add further affirmative defenses and counterclaims as discovery proceeds.

Respectfully submitted,

Dated: July 5, 2011

/arnold s. weintraub/
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **RESPONSE TO OPPOSITION** has been served on Reel FX, Inc. by mailing said copy on July 5, 2011, via First Class Mail, postage prepaid to:

Diane L. Gardner
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s/Arnold S. Weintraub/
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